IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 9658 of 2004

Between:

M/s.Kedia Overseas Limited, having its Registered office at Plot No.48, Sri Krupa Market, Mehboob Mansion, Malakpet, Hyderabad-36, rep., by its Director Mr.Mahesh Kumar Kedia, s/o Guljarilal Kedia, aged about 45 years

..... PETITIONER

AND

1 The Commissioner of Customs, Commissionerate-II, Visakhapatnam.
2 The Deputy Commissioner of Customs, Customs House, Port Area, Kakinada-I, Division, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order especially in the nature of writ of mandamus declaring the action of the second respondent seeking to initiate coercive measures for recovery of taxes pursuant to the impugned orders of the first respondent is contrary to the circular dated 25-05-2004 issued by Central Board of Excise and Customs

For the Petitioner:MR.S.RAVI, Advocate.

For the Respondent Nos.1 and2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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ORAL ORDER: (Per the Hon'ble Sri Justice Bilal Nazki)

On the last occasion, we had passed orders staying the operation of the order of the Deputy Commissioner of Customs, which is the subject matter of appeal. Along with the appeal, a stay petition is also pending before the authorities. We had ordered that the stay application be decided by the appellate authority.

It is submitted by the learned counsel that the stay petition is listed for hearing on 22-07-2004. We direct that till the stay application is decided, the order of the Deputy Commissioner of Customs shall remain stayed. With this order, with the consent of learned counsel for the parties, we dispose of this writ petition. No costs.

(BILAL NAZKI, J)

19-07-2004.

(L.NARASIMHA REDDY, J)

mjl/*

To

1 The Commissioner of Customs, Commissionerate-II, Visakhapatnam.

2 The Deputy Commissioner of Customs, Customs House,

Port Area, Kakinada-I, Division, Kakinada.

3. 2 CD copies.